

Message Text

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PAGE 01 STATE 001256

60

ORIGIN EA-09

INFO OCT-01 ISO-00 L-03 EB-07 COME-00 TRSE-00 OMB-01 SS-15

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DRAFTED BY L/EA:PMNORTON//EA/ANP:MAGMICHAUD:RLW

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FM SECSTATE WASHDC

TO AMEMBASSY PORT MORESBY

C O N F I D E N T I A L STATE 001256

E.O. 11652: GDS

TAGS: PP, PGOV, OTRA

SUBJECT: VISIT TO SOLOMON ISLANDS

REF: PORT MORESBY 1289

1. DEPARTMENT FULLY UNDERSTANDS IMPLICATIONS OF LETCHER MINT CASE BUT DOES NOT REPEAT NOT BELIEVE IT ADVISABLE TO CONTACT LETCHER AS SUGGESTED. DEPARTMENT BELIEVES THIS WOULD BE SEEN AS ATTEMPT BY USG TO DISSUADE US CITIZEN FROM PURSUING LEGAL RIGHTS AND REMEDIES IN JUDICIAL FORA FOR REASONS OF FOREIGN POLICY. THIS WOULD BE IMPROPER AND POLITICALLY IMPRUDENT IN THE LONG RUN. FYI. WE HAVE DISCUSSED THIS QUESTION WITH BRITISH EMBASSY OFFICER WHO DEALS WITH SOUTH PACIFIC, AND HE AGREES WITH DEPARTMENT'S VIEW. END FYI.

2. GOVERNOR LUDDINGTON'S LETTER IN REFTEL SUGGESTS THAT ANY LITIGATION IN THIS MATTER WOULD OCCUR IN SOLOMON ISLANDS COURTS. IF, HOWEVER, A COMPLAINT WERE BROUGHT IN US COURTS, DEPARTMENT'S VIEWS WOULD BE THE SAME AS
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 001256

STATED ABOVE. ATTEMPT TO DISSUADE US CITIZEN FROM SUIT

IN US COURTS MIGHT WELL CONSTITUTE AN INTERFERENCE WITH HIS CONSTITUTIONAL RIGHTS AND A TRANSGRESSION OF THE SEPARATION OF POWERS. SUCH A SUIT IN A US COURT WOULD,

HOWEVER, SEEM UNLIKELY SINCE IT WOULD POSE VERY DIFFICULT PROBLEMS FOR LETCHER MINT IN GAINING JURISDICTION, FINDING PROPERTY UPON WHICH TO LEVY JUDGMENT, ETC. IT ALSO MIGHT INVOLVE QUESTIONS OF SOVEREIGN IMMUNITY.

3. IF THIS ISSUE ARISES DURING YOUR VISIT, YOU SHOULD EXPRESS OUR UNDERSTANDING OF POTENTIAL PROBLEMS INVOLVED, BUT POINT OUT REASONS FOR NON-INVOLVEMENT OF USG. THE CONTRACT IN QUESTION IS BETWEEN A PRIVATE US CORPORATION AND AN OFFICIAL OF THE SOLOMON ISLANDS ALLEGEDLY ACTING IN HIS OFFICIAL CAPACITY. THE COURTS OF THE SOLOMON ISLANDS ARE PRESUMABLY A PROPER FORUM IN WHICH TO RESOLVE ANY DISPUTES ARISING OUT OF SUCH A CONTRACT.

4. DEPARTMENT WILL APPRECIATE RECEIVING ANY FURTHER INFORMATION YOU MAY PICK UP ON THIS CASE DURING YOUR VISIT TO HONIARA. INGERSOLL

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